

REMARKS

In view of the following remarks, the Examiner is requested to reconsider and allow Claims 1-2, 5-7, 10-11, 14-18, 24-30 and 32-40, the only claims pending and under examination in this application.

The claims have been amended to specify that the NSAID formulation is a patch formulation that consists of an NSAID and an adhesive on a backing, support for these amendments being found throughout the specification and working exemplification, where a topical diclofenac patch was used to provide long term relief from pain of carpal tunnel syndrome. As these amendments introduce no new matter, their entry by the Examiner is respectfully requested.

It is believed that the claims patentably distinguish over the references of record for several reasons. For example, neither Bockow nor Edwards teach or suggest a patch formulation. Bockow states at Col. 7 that:

loskeletal conditions, the composition may be applied daily in the form of a liquid, cream or gel directly on inflamed tissue. For example, the liquid, cream or gel may be applied generously to the affected area from 1 to 4 times daily and gently massage into the skin until fully absorbed. Following application, an occlusive dressing may be optionally applied for 4 to 10 hours to enhance efficacy. Absorption of the composition can be further enhanced by phoresis, ultrasound and other physical therapy modalities.

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Similarly, Edwards states in the abstract:

supernatant appears. The entire slurry is filtered. The resulting extract is used alone or combined with a cream or ointment. Medicinal benefits of the extract include relief from pain, swelling, itching, bruising, wrinkles, and sun-burn.

As such, neither reference teaches or suggests a patch NSAID formulation.

In addition, one of ordinary skill in the art would not have had a reasonable expectation of success in the currently claimed invention, which is directed to use of a topical NSAID patch to provide relief from the pain of Carpal Tunnel Syndrome.

CONCLUSION

The Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number CALD-005.

Respectfully submitted,
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